

Appl. No. 10/616,528

Attorney Docket No. 10/41-1847

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1-11 remain pending.

Claim Objections

Claim 1 was objected because of improper format for amending. More specifically, the Examiner requested that "[[to]]" be removed. 37 CFR 1.121(c)(2) states that "double brackets placed before and after deleted characters may be used to show deletion of five or fewer consecutive characters." The applicants believed that a strike-through would not be easily perceived, so double brackets were utilized. Accordingly, it is believed that this objection is improper and should be withdrawn.

Further Claim Clarifications

Prior to discussing the references, it is believed that a brief discussion on the current form of the independent claim of this application is warranted. The original Independent claim of this application has been amended to clarify, more particularly to point out and distinctly claim that which applicant regards as the subject matter of the present invention. Specifically, claim 1 now recites a housing including a cylindrical wall about a central axis, the cylindrical wall having an outer surface and an inner surface, the cylindrical

BRINKS
HOFFER
GILSON

BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60610-5599

- 5 -

Appl. No. 10/616,528

Attorney Docket No. 10541-1847

defining a central compartment between the inner surface and the central axis.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-5 and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,204,806, to Sasaki et al. ("Sasaki"). Applicants respectfully traverse these rejections.

The Examiner stated that Sasaki discloses a housing including a cylindrical outer wall about an axis and an inner wall defining a central compartment, said inner wall having at least one assembly support surface that substantially faces the axis, said housing further including at least one axial channel interposed between the outer wall and the inner wall and a microelectronic assembly affixed to the assembly support surface.

A careful reading of Sasaki will reveal that Sasaki does not disclose a support surface that substantially faces the axis. As shown in Figure 4 of Sasaki, the support surface 31 containing electronic components 4 clearly shows the support surfaces facing away from the central axis of the casing 1.

Next, as previously stated, claim 1 has been amended to further include the limitations of a housing including a cylindrical wall defining a central axis and having an outer surface and an inner surface, the cylindrical wall further defining a central compartment between the inner surface and the central axis. In Sasaki, the compartment 5 is defined between the inner surface 3 and the outer surface 1, not between the inner surface 3 and the central axis as required by the present claims.

Appl. No. 10/616,528

Attorney Docket No. 10341-1847

In that Sasaki fails to disclose all the elements of the present invention, the rejection based thereon should be accordingly withdrawn.

With respect to claims 2-11, these claims are dependent on claim 1 and therefore are patentable for at least the same reasons as given above in support of claim 1. Accordingly, allowance of these claims is respectively requested.

Claim Rejections - 35 U.S.C. §103(a)

Claims 2-4 and 10 and claims 1, 5 and 11 were rejected under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent No. 6,501,653 to Landsgestell et al. ("Landsgestell") taken alone. Applicants respectfully traverse this rejection.

As stated previously, claim 1 of the present application has been amended to include the limitation of a housing including a cylindrical wall defining a central axis and having an outer surface and an inner surface, the cylindrical wall defining a central compartment between the inner surface and the central axis. A careful reading of Landsgestell will reveal that Landsgestell does not disclose such a feature.

First, the microelectronic assembly of Landsgestell is placed on the hexagonal outer surface 4 of a wall 1. In the claimed invention, the microelectronic assembly is located on a support surface of the inner surface. By placing the microelectronic assembly on the support surface of the inner surface, the microelectronic assembly is disposed within the central compartment. In Landsgestell, the compartment 7 contains connecting lines 8



BRINKS HOFER GILSON & LIONE
PO Box 10395

- 7 -

Appl. No. 10/616,528

Attorney Docket No. 10341-1847

and 9, making it impossible to place the microelectronic components with the compartment 7.

Next, When making a rejection under 35 U.S.C. §103, the cited references must provide some motivation, suggestion or teaching to render the claims of the present invention as obvious. Nothing in Landsgestell reference itself provides any motivation, suggestion or teaching to reverse the inner and outer walls as the Examiner suggests. The only motivation hinted at by the Examiner is the present application itself. However, the present application cannot be the source of the required motivation.

In the October 5, 2005 Office Action, the Examiner cites *In re Einstein* with regard to the mere relocating of parts. 8 USPQ 166, 167. However, *In re Einstein* is distinguishable in its facts and is not applicable to the present invention. In *In re Einstein*, the device in question, a grinder wheel oscillator, substituted gear wheels and a gear unit disclosed in a first reference for pulleys and belts disclosed in a second reference, thus, making the device more compact. *Id.* In coming to the decision that there was no patentable invention, the court stated that the element of compactness or size alone does not alone constitute invention and that there "must be some new device or some new and useful purpose accomplished." *Id.*

"New and useful purposes" are accomplished by having the assembly support surfaces substantially facing the central axis. The housing is able to provide protection for the microelectronic assemblies instead of requiring an outer casing shown in Landsgestell. Additionally, by having the assembly support surfaces substantially facing the central axis, the heat created by the



BRINKS HOFER GILSON & LIONE
PO Box 10395

- 8 -

Appl. No. 10/616,528

Attorney Docket No. 10:41-1847

microelectronic assemblies, when in operation, will be directed towards the central compartment. The heat directed towards the central compartment will allow for the creation of a heat pipe further cooling to the microelectronic assemblies.

In that Landsgestell fails to disclose or suggest the claimed construct for the reasons noted above, it must be concluded that Landsgestell taken alone cannot render the claims of the present application as obvious. The rejection under 35 U.S.C. §103 is improper and should be withdrawn.

With respect to claims 2-5 and 8-11, these claims are dependent on claim 1 and are therefore patentable for the same reasons as given above in support of claim 1. Accordingly, allowance of these claims is respectfully requested.

Claim 6 and 7 were rejected under 35 U.S.C. §103(a) as being obvious over either Sasaki or Landsgestell in view of U.S. Patent 5,884,000 to Cloud et al.

With respect to claim 6 and 7, these claims are dependent on claim 1 and are therefore patentable for at least the same reasons as given above in support of claim 1. Accordingly, allowance of these claims are respectfully requested.



BRINKS HOFER GILSON & LIONE
PO Box 10395
Chicago, IL 60610-5599

- 9 -

Appl. No. 10/616,528

Attorney Docket No. 10541-1847

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

March 9, 2006
Date



John A. Lingl (Reg. No. 57,414)



BRINKS HOFER GILSON & LIONÉ
PO Box 10395

- 10 -